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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,412	05/30/2000	Henry H. Jenkins	7947	8695

7590 01/12/2005

Woodling, Krost and Rust  
9213 Chillicothe Road  
Kirtland, OH 44094

EXAMINER
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FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/580,412

Applicant(s)

JENKINS, HENRY H.

Examiner

Omar Flores-Sánchez

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-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

**Period f r Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Pri rity under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the appeal brief filed on 10/19/04, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Objections***

2. Claims 1, 7 and 11 are objected to because of the following informalities: "a steel rule in said slots" should be --a plurality of steel rules in said slots--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 14-17, 20-22 and 23 are rejected under 35 U.S.C 102(b) as being anticipated by Johnson (5676032).

Johnson discloses (Fig. 5-19) the invention including a top board 3, a plurality of rule slots (see Fig. 18), a steel rule/metal member 4, a cutting edge is defined by a generally triangular shape configuration (see Fig. 8), a bottom portion, and first and second end portions extending at approximately a 45 degree angle (9-10) in a first and a second directions.

5. Claims 14-15, 17, 20, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (3826170).

Jone et al. disclose (Fig.13-18) the invention including a metal member **P2** first and second end portions (see Fig. 13), first and second end portions extending at an angle in a first and a second directions, a cutting edge (col. 7, lines 50-55), a generally flat configuration (see Fig. 13) and a generally triangular shaped configuration 45.

6. Claims 14-15, 17, 20-21 and 23 are rejected under 35 U.S.C 102(b) as being anticipated by Williamson (2860555).

Williamson discloses (Fig. 1-6) the invention a metal member having the first end portion extending at angle (approximately 45 degree) in a first direction and the second end portion extending at angle (approximately 90 degree) in a second direction, a cutting edge is defined by a generally triangular shape configuration (see Fig. 4), and a cutting edge (see Fig. 5).

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7. Claims 20-21 and 23 are rejected under 35 U.S.C 102(b) as being anticipated by Svendsen et al. (3464293).

Svendsen et al. discloses (Fig. 1-21) the invention including a steel rule/metal member (Fig. 20), a first end portion and a cutting edge is defined by a generally triangular shape configuration (see Fig. 4).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (3464293) in view of Sanford (6085625).

Svendsen et al. discloses (Fig. 1-21) the invention including a top board 1, a plurality of rule slots (see col. 3, lines 5-7), a steel rule/metal member (Fig. 20), a cutting edge is defined by a generally triangular shape configuration (see Fig. 4), a bottom portion; and first and second end portions extending between 10 to 90 degrees angle (see col. 3, lines 61-62) in a first and a second directions, and the steel rule with the first end portion located adjacent the second end portion of another steel rule (see Fig. 1 and 3). Svendsen et al. does not show a metal plate and the approximately 45 degree angle. However, Sanford teaches the use of a metal plate 52 for the purpose of increasing the stability of the rule die. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's

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device by providing the metal plate as taught by Sandford in order to improve the stability of the rule die.

Regarding the approximately 45 degree angle, Svendsen et al. teaches the range between 10 to 90 degrees angle for the purpose of creating the desired shape of cut. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's device by providing the approximately 45 degree angle in order to create the desired shape of cut.

10. Claims 7-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5676032) in view of Sandford (6085625) and Jones et al. (3826170).

Johnson discloses (Fig. 5-19) the invention including a top board 3, a plurality of rule slots (see Fig. 18), a steel rule/metal member 4, a cutting edge is defined by a generally triangular shape configuration (see Fig. 8), a bottom portion; and first and second end portions extending at approximately a 45 degree angle (9-10) in a first and a second directions. Johnson does not show a metal plate and the steel rule with the first end portion located adjacent the second end portion of another steel rule. However, Sandford teaches the use of a metal plate 52 for the purpose of increasing the stability of the rule die. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Johnson's device by providing the metal plate as taught by Sandford in order to improve the stability of the rule die.

Regarding the steel rule with the first end portion located adjacent the second end portion of another steel rule, Jones et al. teach the use of a steel rule **P2** with the first end portion located

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adjacent the second end portion of another steel rule **SL2** for the purpose of forming the desired shape. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Johnson's device by providing the steel rule with the first end portion located adjacent the second end portion of another steel rule as taught by Jones et al. in order to create the desired shape of cut.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (3464293) in view of Sandford (6085625) as applied to claims 7 and 8 above, and further in view of Simms et al. (3335628).

The modified device of Svendsen discloses the invention substantially as claimed except for a terminating end of each of the first and second end portions formed on angle to the vertical axis. However, Simms et al. teach the use of a terminating end of each of the first and second end portions formed on angle to the vertical axis for the purpose of facilitating the formation of strong and accurate joint. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's steel rule by providing the terminating end of each of the first and second end portions formed on angle to the vertical axis as taught by Simms et al. in order to facilitate the formation of strong and accurate joint and eliminate the gap between the cutting edges of the joint to avoid incomplete cut of the work piece.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (3464293) in view of Sandford (6085625) and Simms et al. (3335628) as applied to claims 7, 8 and 9 above, and further in view of Brayton et al. (5943935).

The modified device of Svendsen discloses the invention substantially as claimed except for slots formed at the bottom of the steel rule. However, Brayton et al. teaches the use of slots formed at the bottom of the steel rule 36 for the purpose of having a better support of the steel rule. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's steel rule by providing the slots as taught by Brayton et al. in order to obtain a better support of the steel rule.

13. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (5676032) in view of Sandford (6085625) and Jones et al. (3826170) as applied to claims 7 and 8 above, and further in view of Simms et al. (3335628).

The modified device of Johnson discloses the invention substantially as claimed except for a terminating end of each of the first and second end portions formed on angle to the vertical axis. However, Simms et al. teach the use of a terminating end of each of the first and second end portions formed on angle to the vertical axis for the purpose of facilitating the formation of strong and accurate joint. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Johnson's steel rule by providing the terminating end of each of the first and second end portions formed on angle to the vertical axis as taught by Simms et al. in order to facilitate the formation of strong and accurate joint and



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eliminate the gap between the cutting edges of the joint to avoid incomplete cut of the work piece.

14. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson (2860555) in view of Sanford (6085625).

Williamson discloses (Fig. 1-6) the invention substantially as claimed including a top board 11, a plurality of rule slots 35, a steel rule/metal member 40, a cutting edge is defined by a generally triangular shape configuration (see Fig. 4), slots 39 formed from the bottom portion of the rule, and first and second end portions, a first portion extending at approximately a 45 degree angle (see Fig. 1), and the first end portion of the steel rule engaging the next adjacent steel rule to form 45 degree angled corner (see Fig. 4, where the rule 40 engage the straight rule).

Williamson does not show a metal plate. However, Sanford teaches the use of a metal plate 52 for the purpose of increasing the stability of the rule die. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Williamson's device by providing the metal plate as taught by Sanford in order to improve the stability of the rule die.

15. Claims 18, 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Simms et al. (3335628).

Johnson discloses the invention substantially as claimed except for a terminating end of each of the first and second end portions formed on angle to the vertical axis. However, Simms et al. teach the use of a terminating end of each of the first and second end portions formed on

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angle to the vertical axis for the purpose of facilitating the formation of strong and accurate joint. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Johnson's steel rule by providing the terminating end of each of the first and second end portions formed on angle to the vertical axis as taught by Simms et al. in order to facilitate the formation of strong and accurate joint and eliminate the gap between the cutting edges of the joint to avoid incomplete cut of the work piece.

16. Claims 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (3826170) in view of Simms et al. (3335628).

Jones et al. disclose the invention substantially as claimed except for a terminating end of each of the first and second end portions formed on angle to the vertical axis. However, Simms et al. teach the use of a terminating end of each of the first and second end portions formed on angle to the vertical axis for the purpose of facilitating the formation of strong and accurate joint. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Jones's steel rule by providing the terminating end of each of the first and second end portions formed on angle to the vertical axis as taught by Simms et al. in order to facilitate the formation of strong and accurate joint and eliminate the gap between the cutting edges of the joint to avoid incomplete cut of the work piece.

17. Claims 18, 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson (2860555) in view of Simms et al. (3335628).

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Williamson discloses the invention substantially as claimed including slots 39 formed from the bottom portion of the rule. Williamson does not show a terminating end of each of the first and second end portions formed on angle to the vertical axis. However, Simms et al. teach the use of a terminating end of each of the first and second end portions formed on angle to the vertical axis for the purpose of facilitating the formation of strong and accurate joint. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Williamson's steel rule by providing the terminating end of each of the first and second end portions formed on angle to the vertical axis as taught by Simms et al. in order to facilitate the formation of strong and accurate joint and eliminate the gap between the cutting edges of the joint to avoid incomplete cut of the work piece.

18. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (3464293).

Svendsen et al. discloses (Fig. 1-21) the invention except for an approximately 45 degree angle. However, Svendsen et al. teaches the range between 10 to 90 degrees angle for the purpose of creating the desired shape of cut. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's device by providing the approximately 45 degree angle in order to create the desired shape of cut.

19. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (3464293) as applied to claims 20 and 23 above, and further in view of Simms et al. (3335628).

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Svendsen discloses the invention substantially as claimed except for a terminating end of each of the first and second end portions formed on angle to the vertical axis. However, Simms et al. teach the use of a terminating end of each of the first and second end portions formed on angle to the vertical axis for the purpose of facilitating the formation of strong and accurate joint. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's steel rule by providing the terminating end of each of the first and second end portions formed on angle to the vertical axis as taught by Simms et al. in order to facilitate the formation of strong and accurate joint and eliminate the gap between the cutting edges of the joint to avoid incomplete cut of the work piece.

20. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Svendsen et al. (3464293) in view of Simms et al. (3335628) as applied to claims 20, 23 and 24 above, and further in view of Brayton et al. (5943935).

The modified device of Svendsen discloses the invention substantially as claimed except for slots formed at the bottom of the steel rule. However, Brayton et al. teaches the use of slots formed at the bottom of the steel rule 36 for the purpose of having a better support of the steel rule. It would have been obvious to one of having ordinary skill in the art at the time of the invention was made to have modified Svendsen's steel rule by providing the slots as taught by Brayton et al. in order to obtain a better support of the steel rule.

***Allowable Subject Matter***

21. Claims 1-6 are allowed.

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***Response to Arguments***

22. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

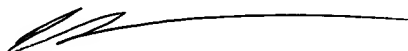
***Conclusion***

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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January 10, 2005



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